

# TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A "PRIOR" PATENT

Docket  
Number

Q58683

In re Application of: Tomonari SENDAI, et al.

Application No.: 09/611,229

Filed: July 6, 2000

For: FLUORESCENCE OBSERVING APPARATUS

The owner, PHOTO FILM CO., LTD., of one-hundred (100%) percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of **prior patent No. US 6,433,345** as the term of said **prior patent** is defined in 35 U.S.C. 154 and 173, and as the term of said **prior patent** is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the **prior patent** are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the **prior patent**, "as the term of said **prior patent** is presently shortened by any terminal disclaimer," in the event that said **prior patent** later:

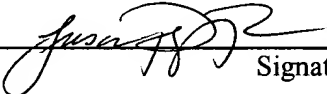
- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record.

  
Signature

September 23, 2005

Date

Susan Perng Pan

41,239

(202) 663-7373

Typed or printed name

Reg No.

Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) or authorization to charge said fee to Deposit Account No. 19-4880 is included.

\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).

Form PTO/SB/96 may be used for making this certification. See MPEP § 324.



**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Docket No: Q58683

Tomonari SENDAI, et al.

Appln. No.: 09/611,229

Group Art Unit: 3737

Confirmation No.: 4828

Examiner: Ruth S. Smith

Filed: July 6, 2000

For: FLUORESCENCE OBSERVING APPARATUS

**SUBMISSION OF TERMINAL DISCLAIMER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith is a Terminal Disclaimer in the above-identified application. A check in the amount of \$130.00 is attached. The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account. A duplicate copy of this Submission is attached.

Respectfully submitted,


SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Date: September 23, 2005

  
Susan Perng Pan  
Registration No. 41,239



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## Assignments on the Web &gt; Patent Query

## Patent Assignment Abstract of Title

**NOTE: Results display only for issued patents and published applications. For pending or abandoned applications please consult USPTO staff.**

## Total Assignments: 1

Patent #: [6125132](#)

Issue Dt: 09/26/2000

Application #: 09066910

Filing Dt: 04/28/1998

Inventor: YOJI OKAZAKI

Title: LASER DIODE PUMPED SOLID STATE LASER, FIBER LASER AND FIBER AMPLIFIER

## Assignment: 1

Reel/Frame: [009140/0169](#)

Recorded: 04/28/1998

Pages: 2

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

Assignor: [OKAZAKI, YOJI](#)

Exec Dt: 04/13/1998

Assignee: [FUJI PHOTO FILM CO., LTD.](#)210 NAKANUMA, MINAMIASHIGARA-SHI  
KANAGAWA-KEN, JAPAN

Correspondent: SUGHRUE, MION, ZINN, MACPEAK &amp; SEAS

DARRYL MEXIC  
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WASHINGTON, D.C. 20037-3202

Search Results as of: 09/22/2005 10:03 AM

If you have any comments or questions concerning the data displayed, contact OPR / Assignments at 571-272-3350

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Patent and Trademark Office**

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Washington, D.C. 20231

SEPTEMBER 15, 2000

PTAS

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\*101420125A\*

**UNITED STATES PATENT AND TRADEMARK OFFICE  
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PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 07/06/2000

REEL/FRAME: 010951/0466  
NUMBER OF PAGES: 2

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

SENDAI, TOMONARI

DOC DATE: 06/28/2000

ASSIGNOR:

HAYASHI, KATSUMI

DOC DATE: 06/28/2000

ASSIGNOR:

HAKAMATA, KAZUO

DOC DATE: 06/28/2000

ASSIGNOR:

HAYAKAWA, TOSHIRO

DOC DATE: 06/28/2000

ASSIGNOR:

OKAZAKI, YOJI

DOC DATE: 06/28/2000

ASSIGNOR:

MATSUMOTO, KENJI

DOC DATE: 06/28/2000

010951/0466 PAGE 2

ASSIGNEE:

FUJI PHOTO FILM CO., LTD.  
210 NAKANUMA, MINAMIASHIGARA-SHI  
KANAGAWA-KEN, JAPAN, JAPAN

SERIAL NUMBER: 09611229  
PATENT NUMBER:

FILING DATE: 07/06/2000  
ISSUE DATE:

SEDLEY PYNE, PARALEGAL  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

Form PTO-1595  
1-31-92

**Q58683**

08-01-2000



U.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office

101420125

To the Honorable Assistant Commissioner for Patents. Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):  
Tomonari SENDAI, Katsumi HAYASHI, Kazuo HAKAMATA,  
Toshiro HAYAKAWA, Yoji OKAZAKI and Kenji MATSUMOTO

Additional name(s) of conveying party(ies) attached?  
☐ yes ☒ no

3. Nature of Conveyance:

☒ Assignment ☐ Merger  
☐ Security Agreement ☐ Change of Name  
☐ Other

Execution Date: June 28, 2000

2. Name and address of receiving party(ies)?

Name:  
FUJI PHOTO FILM CO., LTD.  
Internal Address:  
210 Nakanuma, Minamiashigara-shi, Kanagawa-ken, Japan  
Street Address:  
Same as above

City State Zip

Additional name(s) & address(es) attached?  
☐ yes ☒ no

10869 U.S. PTO  
09/611229  
07/06/00

4. Application number(s) or patent number(s):

09/611229

If this document is being filed together with a new application, the execution date of the application is:  
June 28, 2000

A. Patent Application No.(s)

B. Patent No(s).

Additional numbers attached? Yes ☐ No ☒

5. Name and address of party to whom correspondence concerning document should be mailed:

SUGHRUE, MION, ZINN, MACPEAK & SEAS  
2100 Pennsylvania Avenue, N.W.  
Suite 800  
Washington, D.C. 20037-3202

6. Total number of applications and patents involved:  
One (1)

7. Total Fee (37 CFR 3.41): \$ 40.00  
☒ Enclosed. Please charge any underpayment in connection with this Assignment to Deposit Account No. 19-4880.

☐ Authorized to be charged to Deposit Account

8. Deposit Account No.

(Attach dupl. copy of this page if paying by Deposit Account)

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9. Statement and Signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Registration No. 32,778

Name Darryl Mexic Reg. No. 23,063

July 6, 2000  
Date

TOTAL NUMBER OF PAGES INCLUDING COVER SHEET, ATTACHMENTS AND DOCUMENT: 2

OMB No. 0651-0011 (exp. 4/94)

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Mail documents to be recorded with required cover sheet information to:  
Assistant Commissioner for Patents  
Box Assignments  
Washington, D.C. 20231

# Assignment

Whereas, ~~X~~We, Tomonari Sendai, Katsumi Hayashi, Kazuo Hakamata, Toshio Hayakawa, Yoji Okazaki and Kenji Matsumoto

Japan  
hereinafter called assignor(s), have invented certain improvements in

"FLUORESCENCE OBSERVING APPARATUS"

and executed an application for Letters Patent of the United States of America therefor on  
June 28, 2000 ~~XX~~ ; and

Whereas, Fuji Photo Film Co., Ltd.  
210 Nakanuma, Minamiashigara-shi, Kanagawa-ken, Japan  
(assignee), desires to acquire the entire right, title, and interest in the application and invention, and to any United States patents to be obtained therefor;

Now therefore, for valuable consideration, receipt whereof is hereby acknowledged,

~~X~~We, the above named assignor(s), hereby sell, assign and transfer to the above named assignee, its successors and assigns, the entire right, title and interest in the application and the invention disclosed therein for the United States of America, including the right to claim priority under 35 U.S.C. §119, and ~~X~~we request the Commissioner of Patents to issue any Letters Patent granted upon the invention set forth in the application to the assignee, its successors and assigns; and ~~X~~we will execute without further consideration all papers deemed necessary by the assignee in connection with the United States application when called upon to do so by the assignee.

~~X~~We hereby authorize and request my attorneys SUGHRUE, MION, ZINN, MACPEAK & SEAS of 2100 Pennsylvania Avenue, N.W., Washington, D.C. 20037-3202 to insert here in parentheses (Application number \_\_\_\_\_, filed \_\_\_\_\_) the filing date and application number of said application when known.

Date: June 28,  
2000

s/ Tomonari Sendai

Date: June 28,  
2000

s/ Katsumi Hayashi

Date: June 28,  
2000

s/ Kazuo Hakamata

Date: June 28,  
2000

s/ Toshio Hayakawa

Date: June 28,  
2000

s/ Yoji Okazaki

Date: June 28,  
2000

s/ Kenji Matsumoto